

## REMARKS

Claims 1-26 stand rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The claims have been amended to overcome the stated grounds of rejection.

Claims 1-9 and 18-26 stand provisionally rejected on grounds of obviousness-type double patenting over claims 1-9, 18-25 and 27 of copending Application Serial No. 10/004,581. The '581 Application file, which the undersigned has, does not contain even a first Office Action on the merits. Accordingly, the rejection on grounds of obviousness-type double patenting is traversed for the reason that neither the present claims nor the claims of the '581 Application are allowed.

An obviousness-type double patenting rejection is appropriate wherein patent claims exist and the claims of another application are asserted by the Examiner to be obvious variants thereof. Since that situation is not present, no obviousness-type double patenting rejection could be made at this time. A provisional obviousness-type double patenting rejection does not have any legal status and accordingly, is traversed.

Claims 1-26 stand rejected provisionally on grounds of obviousness-type double patenting over claims 1-18 and 20-26 of copending Application Serial No. 10/004,773. This ground of rejection is traversed for the same reasons set forth above with regard to the claims of Serial No. 10/004,581.

In view of the foregoing amendments and remarks, it is submitted that the claims are in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (199.39470X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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Attachments

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